

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for maintaining the indication that claim 21 is allowable.

In the Final Official Action, the Examiner maintained the rejection of claims 1, 15, 16, 18-20 and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,982,725 to Hibino et al., (hereinafter "Hibino"). Additionally, the Examiner maintained the rejection of claims 8, 9, 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Hibino in view of U.S. Patent No. 5,609,563 to Suzuki et al., (hereinafter "Suzuki").

In response, Claim 1 has been amended to clarify a distinguishing feature. Specifically, claim 1 has been amended to recite:

"a first unit which has a frame unit which holds a motor that generates driving force for bending the bending portion, the frame unit being connected to a cord for supplying a signal for driving the motor from a bending control device."

The amendment to claim 1 is fully supported in the original disclosure. Thus, no new matter has been introduced in to the disclosure by way of the present amendment to claim 1.

Applicants continue to respectfully submit that Hibino neither discloses nor suggests that the first unit and the second unit are separate. Rather, Hibino discloses the two units as one body in Fig. 18. Hence, a buffering member as recited in claims 1 and 18 is not disclosed or suggested in Hibino. Furthermore, Hibino does not disclose or suggest any member that can absorb the external force (surplus force). The Examiner argues that Hibino discloses a first unit 663 housing motors 685 and 686 and a second unit 503 housing force-transmitting members 510 and 513. Although the Examiner may be correct, both the motor

and force-transmitting member of the endoscope of Hibino is held in the same part.

Therefore, Hibino does not disclose or suggest that the first and second units are separate parts.

Furthermore, in Fig. 16 of Hibino, the bending controlling apparatus 663 is not provided with a motor. Therefore, the connector 503 and the bending controlling apparatus 663 cannot be taken as the main frame and the frame unit, respectively.

Still further, in Fig. 18 of Hibino, there is no disclosure or suggestion of the buffering member 8 (as well as 16, 17, 18 and 40) for connecting the main frame 4A and the frame unit 3 and absorbing an externally applied force, which is at least one of the characterizing features of the electric bending endoscopes of claims 1 and 18.

Still further yet, in Fig. 16 of Hibino, the reference numeral 665 is a cable merely for connecting the connector 503 that is connected to the light source apparatus to the bending controlling apparatus 663. Therefore, even if the inserting portion 504 is applied with a force that is conveyed to the connector 503 via the cable 506, the connector 503 is not moved by the movement of the cable 506 since the connector 503 is connected to the light source apparatus 661. For this reason, the cable 685 does not and cannot function as a buffering member for absorbing the applied force.

With regard to the rejection of claims 1, 15, 16, 18-20 and 22 under 35 U.S.C. § 102(b), an electric bending endoscope having the features discussed above and as recited in independent claims 1 and 18, is nowhere disclosed in Hibino. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claims 1 and 18 are

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

not anticipated by Hibino. Accordingly, independent claims 1 and 18 patentably distinguish over Hibino and are allowable. Claims 15, 16 19, 20 and 22 being dependent upon claims 1 and 18, are thus at least allowable therewith.

With regard to the rejection of claims 8, 9, 23 and 24 under 35 U.S.C. § 103(a), since independent claims 1 and 18 patentably distinguish over the prior art and are allowable, claims 8, 9, 23 and 24 are at least allowable therewith because they depend from an allowable base claim.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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